



TOWN OF WAYLAND

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BOARD OF SELECTMEN
STEVEN J. CORREIA
THOMAS J. FAY
JOSEPH F. NOLAN
SUSAN W. POPE
MICHAEL L. TICHNOR

Board of Selectmen Meeting Minutes May 10, 2010

Attendance: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor
Also Present: Town Administrator F. Turkington, Secretary M. DiNapoli

Chair J. Nolan called the meeting of the Board of Selectmen to order at 7:04 p.m. in the Large Hearing Room and reviewed the agenda for the viewing audience. F. Turkington reminded residents that the Annual Town Election will be held concurrently with the Special State Election tomorrow, Tuesday, May 11, with separate check-ins and separate ballots. He said the Annual Town Meeting will begin on Thursday, May 13, at 7:30 p.m. at the Wayland High School Field House and will continue as necessary on May 17, May 19, and May 20. He noted the 100th anniversary of the Cochituate School Building sponsored by the Wayland Housing Authority on May 16 and the Household Hazardous Waste Day sponsored by the Board of Health on May 22.

A2. Public Comment Ralph Wegener, 20 Hickory Hill Road, presented the Board with a freedom of information request for a copy of the Town Center Development Agreement. J. Nolan asked if the request was made by the Wayland Business Association; he said no, it was a personal request.

A3. Hearing to Consider Banishment of Dog (Frishman) J. Nolan opened the hearing in the matter of the banishment of the dog "Laska" owned by Mark and Stella Frishman at 7:14 p.m. Dog Control Officer Les Boardman, Town Counsel Mark Lanza, and Dog Control Appeals Board members Susan Wagner, Jeff Baron and Dan Brown were also present. L. Boardman reviewed the complaints against the dog, including a criminal complaint and a citation of \$300 per day for violating a permanent restraining order (PRO). J. Nolan noted that the Board had previously ruled to banish the dog, but the court had vacated the banishment. M. Lanza said the Frishmans are clearly in violation of the PRO. S. Wagner said the dog was involved in serious violations, including a bite, and the house is only 200-500 feet from Happy Hollow School. M. Frishman said the dog is always muzzled, and is on an electric collar when it is off their property. He said there were no further incidents of people being bitten. He said they are not technically complying with the PRO, but are complying in spirit. He explained that they have not built a fence around their property because the dog was not ruled vicious, thereby invalidating the PRO, and also because a dog owner should have the choice of how to control his dog on his own property. J. Baron said the Frishmans had appeared before the Dog Control Board and had agreed to build a fence, had understood the leash requirement, and had acknowledged that a first offense would be a \$500 fine and second would be banishment. He said this is a matter of imminent public safety, and he recommended that the Board banish the dog and immediately turn it over to the Dog Control Officer. S. Pope said the Board has given the dog owner every opportunity to keep the dog by simply complying with the PRO. J. Nolan said the Frishmans have been irresponsible dog owners, and spoke about the need to teach our children respect and responsibility. M. Tichnor expressed concern about the precedent involved, and said that it is critical that the town enforce its agreements. S. Correia agreed, and said the Frishmans did not abide by the agreement made with the town. J. Nolan closed the hearing at 7:50 p.m. T. Fay moved, seconded by S. Correia, that the Board of Selectmen, pursuant to Section 91-7.C (3) of the Town Code,

banish the dog known as “Laska,” owned by Mark and Stella Frishman of 27 Garden Path, based on evidence presented at the hearing and the violations of the directives issued by the Board. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A4. Public Forum – Response to March 12-30 Flooding J. Nolan opened the public forum on the March floods at 8:02 p.m. Police Chief Robert Irving, Fire Chief Robert Loomer, Director of Highway Operations Stephen Kadlik, Water Superintendent Don Millette, Public Buildings Director John Moynihan, Town Planner Sarkis Sarkisian, and Lisa Eggleston of Eggleston Environmental, were also present. F. Turkington provided an overview of the town’s response to the flooding problem. He said the major issues facing the town were resident response, flooding at the Public Safety Building and Library, traffic control, and access to Pelham Island. Dan Brown, 30 Campbell Road, asked if there was a drain under Route 126 that wasn’t functioning correctly. S. Kadlik said a consulting company was hired to research every drain and catch basin, and while nothing yet has been found, the inspections will continue after the water abates. Isaac Aaron, 34 Rolling Lane, asked the Board to quantify which responses went well and which responses did not go well. F. Turkington said the biggest problem was the issue of communication. R. Irving said he learned it was best to make contact with one person in a neighborhood who can disseminate information to the rest of the homeowners. R. Loomer said the biggest problem was logistics, and he described the strain on town equipment while coordinating with MEMA for additional equipment. He noted that much of the equipment available from MEMA was also being used by several other communities. F. Turkington described town efforts to procure reimbursement from FEMA, and the potential need for the town to purchase certain equipment to mitigate future events, such as a trash pump, a generator, and the conversion of a vehicle to make transportation to Pelham Island more stable. R. Irving commended MEMA and MassHighway staff. Stephanie Leong, 38 Rolling Lane, March 30, asked if it was possible to have CERT volunteers help seniors with sandbags. R. Irving said CERT volunteers were used on Riverview Circle, and S. Kadlik noted the town used its entire stock of bags and got 2,000 more from the National Guard. D. Leard, CERT coordinator, said their members are volunteers and their availability varies; he also asked residents to consider volunteering their time in the future. Dana Davies, 14 Squirrel Hill Road, thanked the town staff for their help, and asked what the next step would be. F. Turkington and S. Sarkisian provided maps and a historical perspective on the town’s drainage system. L. Eggleston reviewed the impact of the recent rain storms on the town. She said that the volume of the rainfall greatly exceeded the volume of storage capacity, and also noted that a rainfall over a long period of time creates a high groundwater table. She said that going forward, new drainage plans should be built to modern standards. I. Aaron asked if she would build a house today on Riverview Circle. L. Eggleston said under current planning guidelines, a house could be built there with sufficient drainage capacity and pumping ability; however, she said the basin is undersized for the current neighborhood. F. Turkington said the town is trying to ascertain the viability of expanding the basin. He said that while it may not be possible to meet modern standards, the town will try to mitigate against a similar storm by the most cost effective methods. D. Davies said she hoped the same attention will be paid to Squirrel Hill Road; F. Turkington said yes, the town will identify drainage issues on a town-wide basis. Marcia Gauguet, 42 Rolling Lane, asked that the drainage ditch be cleaned more often. F. Turkington said all catch basins are cleaned annually. He said he is also working with the Conservation Commission to do minimally invasive work on protected land. S. Leong distributed maps showing the homes affected by standing water on Rolling Lane and Old Farm Circle. Nancy Hammerton, 39 Rolling Lane, described the events of the last two months and the water damage to her home. She said the flooding history will be detrimental to the value of her property. Tom Sciacca, 31 Rolling Lane, discussed global climate change and the possibility of creating a drainage system through the clay layer. Chris Brown, 9 Charena Road, asked that the town also consider his neighborhood when reviewing drainage

issues. Linda Segal, 9 Aqueduct Road, said that the Zoning Board of Appeals has had opportunities to push back on 40B projects in the interest of public health and safety, such as the Barton Nursing Home project and the Tripolis project at 225 Old Connecticut Path, but they have not done so. She noted that the rainstorms have her worried because these projects are in or abut wet areas. She asked what mechanism may exist to prevent making things worse in these neighborhoods, given the spring's rainstorms, although she noted she was speaking for herself and not on behalf of the Zoning Board. She added that input from other boards to the Zoning Board of Appeals during comprehensive permit hearings is very important. Jay Vileniskis, 41 Rolling Lane, said he has evacuated his home and is facing the possibility that his house may be unlivable. Pierre Gauguet, 42 Rolling Lane, described the water damage to his home. The Board advised the participants in the forum that experts will be contracted to evaluate the situation, and that all affected neighborhoods will be treated fairly.

A5. Consider and Approve Consent Calendar M. Tichnor moved, seconded by T. Fay, to approve the consent calendar (warrants SA051010 and TA051010). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A6. Review Correspondence The Board discussed the week's correspondence.

A7. Report of the Town Administrator F. Turkington said he was pleased with the evening's flood forum. He said he has spoken to several key neighborhood representatives, and will follow up with Lisa Eggleston to develop a scope of services. He said town departments are working with Virtual Town Hall to prepare a draft website design over the next two weeks, with the goal of launching the new site by summer. He reviewed preparations for the Annual Town Meeting, and reviewed the motions with the Board. L. Segal asked if the Board would vote its position on Article 25, F. Turkington said no, he expects the petitioners to pass over the article. He updated the Board on the Energy Initiatives Temporary Advisory Committee, and reviewed the timeline to green community status. Finally, he thanked M. Tichnor for his leadership and hard work as a member of the Board; he said M. Tichnor always put the interests of the residents first and foremost, and he will be missed. Members of the Board thanked M. Tichnor for his integrity, leadership and commitment to the town.

A8. Selectmen's Reports and Concerns M. Tichnor moved, seconded by T. Fay, to appoint Amy Frankel Nau and Maxine Weintraub to the Economic Development Committee for one-year terms to expire on June 30, 2011; Sam Potter and Colleen Sheehan for two-year terms to expire on June 30, 2012, and Rebecca Stanizzi and Nick Willard to three-year terms to expire on June 30, 2013. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. J. Nolan provided an update on the MWRTA. T. Fay thanked F. Turkington for arranging the forum on the flooding. S. Pope reminded the Board to consider scheduling office hours after town meeting. J. Nolan noted that in regard to the debt exclusion question on the upcoming ballot, it was important to note that the work on the beach house is a necessary infrastructure expense.

A9. Executive Session At 10:15 p.m., the Board of Selectmen, by roll call vote, unanimously (5-0) approved a motion brought by M. Tichnor and seconded by T. Fay, to go into executive session in the Selectmen's Meeting Room pursuant to Massachusetts General Laws Chapter 39, Section 23B(3) to discuss strategies with respect to potential litigation regarding the wastewater treatment facility. The Board will return to open session in approximately ten minutes for the sole purpose of adjourning the meeting.

The Board returned to open session at 10:45 p.m.

T. Fay moved, seconded by M. Tichnor, to adjourn the meeting of the Board of Selectmen at 10:45 p.m.
YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.